

BALTIMORE COUNTY POLICE DEPARTMENT

LESSON PLAN

COURSE: 2013 In-Service Training for Sworn Personnel
SUBJECT: Sex Offense Reporting
LESSON: Sex Offense Reporting
FACILITY: In-Service Classroom
PREPARED BY: Det. Joan Wheeler-Felts
Baltimore County Police Department Training Academy
DATE PREPARED: November 21, 2012

APPROVED BY: Cpl Jason 3525
Corporal Jason

APPROVED BY: Lt. Joseph Bangert 238 1/24/13
Lieutenant Joseph Bangert

APPROVED BY: Capt. Lisa A Hannon 1/31/13
Captain Lisa A. Hannon
Commander, Training Section

OBJECTIVES: To review current S.V.T. response protocol and discuss recent concerns involving the investigation of First and Second Degree Rapes and Sex Offenses.

VALUES

STATEMENT: As members of the Baltimore County Police Department, we will maintain the highest level of professionalism when interacting with the public. All citizens will be treated in a fair and impartial manner, as we maintain vigilance in the protection of our citizens. We are especially committed to providing consistent application of all laws within the guidelines of the United States Constitution, State, and Local Laws.

**COMMUNITY
POLICING
STATEMENT:**

The Baltimore County Police Department works diligently to maintain the highest level of education and training to better serve citizens within Baltimore County.

**METHOD OF
INSTRUCTION:**

Power Point/Video/Lecture/Discussion

TRAINING AIDES:

Power Point

REFERENCES:

MD State Law, Field Manual

LEVEL OF CLASS:

Supervisor

LENGTH OF CLASS:

1 hour

***SPECIAL VICTIM'S
TEAM
INVESTIGATIONS***

**Detective Joan Wheeler-Felts
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S.V.T.
(410) 887-2223**

OBJECTIVES:

To review current S.V.T. Response Protocol and to discuss recent concerns involving the investigations of 1st and 2nd Degree Rapes and Sex Offenses.

S.V.T. RESPONSIBILITIES:

- SVT detective authorizes SAFE Exam for 1st and 2nd Degree Rapes & Sex Offenses.
- Patrol will authorize 3rd & 4th Degree Sex Offenses.

When is a SAFE exam needed?

- ☐ **All Sex Offenses** occurring within 5 days, which includes oral, anal, and digital penetration. DNA can be obtained from many areas on victims.
- ☐ Age related cases with penetration occurring within 5 days

S.V.T. RESPONSE:

- A victim must be interviewed and a crime must be confirmed before requesting SVT notification.
- Patrol will contact Police Comm. Ctr. and SVT's On-Call detective will be notified of the case.
(SVT's On-Call detective is contacted by Police Comm. Ctr. The On-Call detective screens the call to determine if SVT is required to respond, not SVT Supervisors)
- Do not transport victim to GBMC prior to SVT notification, unless medical attention is needed.
- SVT detectives normally respond to GBMC to interview victim unless other arrangements are made.
- The crime must have occurred within 5 days for a SAFE exam to be authorized.

Rape/Sex Offense Elements Charts

Recent changes:

- As of October of 2011: Inserting any body part (including the “FINGER”) into the vagina or anus can be a 2nd, 3rd, or 4th Degree Sex Offense depending upon the facts of the case.
- If there is physical force used inserting the finger into the vagina/anus then it becomes a 2nd Deg. Sex Offense. Just the act of inserting the finger is not force.

S.V.T. INVESTIGATIVE GUIDE:

Supervisors should respond to the scene of a sex crime in order to become aware of the incident, to supervise their officers, the crime scene, and the initial investigation. A majority of sex offenses are felonies that have possible penalties ranging from 10 years to life imprisonment.

SVT investigates 1st and 2nd Degree Rapes and 1st and 2nd Degree Sex Offenses when the victim's age is 13 years and above, providing there are no care or custody issues.

Attempts to commit these crimes, along with 3rd and 4th degree sex offenses are the responsibility of precinct personnel. SVT should be contacted with questions concerning any investigation. *(See Sex Crimes Investigative Guide in packet)*

V.A.W.A. (Violence Against Women Act)

The State of Maryland, Governor's Office of Crime Control & Prevention (GOCCP) has established procedural changes to ensure compliance with the 2005 reauthorization of the Violence Against Women Act (VAWA). The reauthorization requires forensic medical exams (SAFE exams) be afforded to all sexual assault victims regardless of their decision to participate in the criminal justice system and/or cooperate with law enforcement. The Baltimore County Police Department has developed the guidelines related to the collection, tracking and storage of evidence, as well as the timely and accurate reporting of crimes for these incidents. (See Special Order #01-08 in packet) Informed Consent form will be signed at hospital allowing victim to choose his/her reporting options. (See packet)

Intellectually Challenged (Mentally Defective) Individuals:

Qualifying Questions to determine Ability to Consent:

- Can the victim explain what “sex” is? They should be able to explain the act to you. The act may be described using slang terminology.
- Can the victim explain what the consequences of having sex are? (Ex. Pregnancy or having a baby, Sexually Transmitted Infections etc.)
- If they are able to clearly answer these questions then they would not fall under the title of being Mentally Defective unless there are other extenuating circumstances.
- If there are any questions regarding the victim’s ability to Consent then the State’s Attorney’s Office will review the case.

WRITTEN STATEMENTS:

- Written statements are **not** to be taken from victims unless directed by S.V.T. detectives.
- Written statements are usually obtained in Domestic related cases only with 1st and 2nd Degree Rape and Sex Offense investigations.
- Witness interviews/statements need to be documented by officers in sexual assault cases.

HIPAA-The Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy and Security Rules

A Health/Medical Record is protected information and can only be obtained with Written Consent or by Subpoena.

SAFE exam results are made available to Law Enforcement only because the victim signs a written consent for the SAFE exam. This is a Forensic Exam for evidence collection.

Parents are not provided SAFE exam results, juvenile victims are emancipated when being treated as a sexual assault patient.

DUTY TO REPORT IN **MARYLAND:**

- Health care professionals are not required to report sexual assault cases unless the victim is a minor child (under 18) that is being sexually assaulted by a family or household member.
- If a juvenile is seeking birth control at a clinic then there is no duty to report by clinic unless there is a care and custody issue or if a family member is responsible (***See packet for guidelines***)

Release Authorization Form:

- S.V.T. utilizes this form when a victim does not want to pursue an investigation and or refuses to submit to a SAFE exam.
- S.V.T. will fax a copy of form if needed by patrol or a written statement can be obtained from the victim stating that he/she does not wish to cooperate any further in an investigation.

ARRESTS:

If a suspect is identified in an S.V.T. case and is not on scene, please make contact with S.V.T. detective prior to making arrest, unless there is imminent danger.

Officer Safety:

- Please stress the need for mileage being documented on air when transporting victims.
- Remind officers not to place victim in front seat during transport.
- Check prior calls for service if responding to address and InPursuit check for all victims/witnesses when names are available.

Questions:

- S.V.T. detectives are available for questions when needed.
- Late reports can be faxed to S.V.T. when completed. Anything reported after 5 Days qualifies as a Late Report.
- **All** reports faxed to SVT must be approved/signed off by a supervisor prior to being faxed.